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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,766	07/14/2003	Jong-Sung Peak	253/027	4047

27849 7590 12/28/2006
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EXAMINER

YUAN, KATHLEEN S

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/617,766	Applicant(s) PEAK, JONG-SUNG	
	Examiner Kathleen S. Yuan	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "the measurement apparatus" in line 3. There is insufficient antecedent basis for this limitation in the claim. Examiner infers that the applicant meant the alignment apparatus of claim 1. However, appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being unpatentable by U.S. Patent No. 4566125 (Clunn).
6. Regarding claim 1, Clunn discloses a method for recognizing a pattern of an alignment mark on a wafer (col. 1, lines 8-10), comprising: positioning the wafer on an

adjustable wafer stage in an alignment apparatus (col. 4, lines 49-52); capturing images of a key alignment mark by magnifying an alignment mark region of the wafer by capturing a smaller search area, thus zooming in on the initial area that has the mark (fig. 4, step 478); deleting image data from a region where the alignment pattern does not exist between the captured images by deleting the area in the initial area that doesn't have the mark (fig. 4, step 478); and extracting an alignment mark pattern by a pattern recognition of the remaining image data after the deletion of the image data (col. 8, line 58-col. 9, line 32).

7. Regarding claim 3, Clunn discloses a related pattern is recognized during a set-up of the alignment apparatus, by an operator to be the predetermined pattern (col. 8, lines 58-60), for measuring parameters later used in recognition relative to a critical dimension of the pattern, the size (col. 8, line 63).

8. Regarding claim 4, Clunn discloses a method for recognizing a pattern of an alignment mark on a wafer (col. 1, lines 8-10), comprising: providing the wafer into an alignment apparatus (col. 4, lines 49-52); identifying a key alignment mark in an alignment mark region of the wafer (fig. 4, step 472); and when it is determined that it is in the region, capturing an image by magnifying only the identified key alignment mark by searching a smaller area (fig. 4, step 478); extracting an alignment mark pattern by a pattern recognition of the captured image (col. 8, line 58-col. 9, line 32); and establishing the extracted alignment mark pattern as a reference mark, since it is recognized as the reference mark, it is established that it is the same as the reference mark (col. 8, line 58-67).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clunn.

Regarding claim 2, Clunn discloses all of the claimed elements as set forth above and incorporated herein by reference.

Clunn does not disclose expressly that the mark is magnified by about four times.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to magnify the mark by four times. Applicant has not disclosed that magnifying the by four times provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well without magnifying the mark by four times but magnifying it by any amount because by simply magnifying the image, the location found for the mark would be more accurate.

Therefore, it would have been obvious to combine to one of ordinary skill in this art to modify Clunn with the magnification of the mark by four times to obtain the invention as specified in claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen S. Yuan whose telephone number is (571)272-2902. The examiner can normally be reached on Monday to Thursdays, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KY
12/19/2006



JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER